

COURT NO. 1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

99.

OA 1791/2022 WITH MA 1097/2023

Sgt/Elect Fit (R) Ashish Sharma	Applicant
Versus		
Union of India & Ors.	Respondents

For Applicant	:	Mr. SS Pandey, Advocate
For Respondents	:	Mr. Satya Ranjan Swain, Advocate and Mr. Ankush Kapoor, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE MS. RASIKA CHAUBE, MEMBER (A)

O R D E R
22.01.2025

MA 1097/2023

Counter affidavit has been filed. There being some delay in filing the counter affidavit, this application has been filed seeking condonation of delay. Delay condoned. Counter affidavit is taken on record.

2. MA stands disposed of.

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3. Having made certain submissions on the merit of the matter, Mr. S.S. Pandey, learned counsel for the applicant raised a ground to say that the applicant has been discriminated against in the matter with regard to the incident in question for which the Court of Inquiry for short 'CoI' was conducted. Apart from the applicant, the main

person involved in the matter, Warrant Officer Mr. Dharmapal Kaushik, has been granted pensionary benefits. However, in the case of the applicant, he has been discriminated against and shortfall of less than 5 months to earn pensionary benefits has not been granted and he is thus deprived of the pension.

4. However, we find that no such specific averments have been made in the application. In case the applicant wants to make certain averments, he may do so on affidavit so that we can call upon the respondents to give their say in the matter and decide the issue of discrimination. A week's time is granted to Mr. S.S. Pandey, learned counsel for the applicant, to file an affidavit.

5. List again on 13.02.2025.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[RASIKA CHAUBE]
MEMBER (A)

/Ps/
OA 1791/2022